

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ZAFAR IQBAL,)	
)	
Plaintiff,)	Civil Action No. 2:23-832
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Patricia L. Dodge
BPOA, PA BOARD OF MEDICINE, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Patricia L. Dodge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On September 19, 2023, the Magistrate Judge issued a Report (Doc. 89) recommending that Defendant Kimberley Ferketic be dismissed from this case due to Plaintiff's failure to serve her within 90 days of filing his Complaint. In his August 26, 2023 Response to the Magistrate Judge's Order to Show Cause, Plaintiff represented that he learned on June 14, 2023, that Ferketic passed away on August 10, 2020, over two years prior to the commencement of this action in May 2023. The Report concludes that because Plaintiff has not shown good cause for extending the time to effect service, and an amendment to name Ferketic's estate would be futile, Ferketic should be dismissed as a defendant from this case. Service of the Report and Recommendation was made, and Plaintiff filed timely Objections on September 20, 2023. (Doc. 91). Plaintiff filed a Supplement to his Objections on October 2, 2023. (Doc. 92). No responses to Plaintiff's Objections were filed, and the matter is now ripe for review.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, it hereby is **ORDERED** that Plaintiff's objections (Docs. 91, 92) are **OVERRULED**, the Report and Recommendation (Doc. 89) is **ADOPTED** as the Opinion of the District Court, and Kimberley Ferketic is dismissed as a party to this action.

IT IS SO ORDERED.

October 19, 2023

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via Electronic Filing):

Plaintiff, Zafar Iqbal
All Counsel of Record